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Arizona Corporation Commission
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BEFORE THE ARIZONA CORPORATION CO
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AZ CORP COMMISSION
DOCKET CONTROL

COMMISSIONERS

GARY PIERCE - Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

IN THE MATTER OF THE APPLICATION
OF WINDSTREAM NUVOX, INC. FOR
APPROVAL OF A CERTIFICATE OF
CONVENIENCE AND NECESSITY TO
PROVIDE RESOLD LOCAL EXCHANGE
TELECOMMUNICATIONS SERVICES.

DOCKET NO. T-20786A-11-0088

**PROCEDURAL ORDER**

**BY THE COMMISSION:**

On February 24, 2011, Windstream NuVox, Inc. ("WinNuVox") filed with the Arizona Corporation Commission ("Commission") an application requesting a Certificate of Convenience and Necessity ("CC&N") to provide resold local exchange telecommunications services in Arizona and petitioning to have its proposed services classified as competitive.

On May 23, 2011, the Commission's Utilities Division ("Staff") docketed WinNuVox's responses to Staff's First Set of Data Requests.

On June 3, 2011, Staff issued a Staff Report recommending approval of WinNuVox's application, with conditions.

On June 28, 2011, a Notice of Appearance was filed by local counsel for WinNuVox.

On July 11, 2011, WinNuVox filed an original and copies of a $25,000 performance bond to comply with Staff's recommendation that such a bond be required.

On July 12, 2011, a Procedural Order was issued stating that no affidavit of publication had been filed to show that public notice of WinNuVox's application for a CC&N had been published in a newspaper of general circulation in its requested service area and requiring WinNuVox to make such publication, if not already made, and to file an affidavit of publication demonstrating that such notice had been published.

On July 22, 2011, WinNuVox filed an affidavit of publication showing that public notice of its application had been published in *The Arizona Republic* on July 20, 2011.

1    On September 27, 2011, a Recommended Order was issued and tentatively scheduled for

2   consideration at the Commission's Open Meeting of October 11 and12, 2011. The Recommended

3   Order has not, however, been included on an Open Meeting agenda for consideration by the
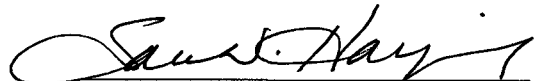
4   Commission.

5    On December 9, 2011, WinNuVox filed a Notice of Withdrawal of Application, in which

6   WinNuVox stated that it was withdrawing its CC&N application. WinNuVox stated that in light of

7   the acquisition of McLeodUSA Telecommunications Services, L.L.C. by Windstream Corporation,

8   which was approved in Decision No. 72670 (November 17, 2011), the CC&N requested by

9   WinNuVox is no longer needed.

10   On December 16, 2011, Staff docketed a Memorandum stating that Staff has no objection to

11  the withdrawal of WinNuVox's CC&N application.

12   In light of WinNuVox's request to withdraw its CC&N application, to which Staff has no

13  objection, there is no longer any need for further Commission action in this matter. Thus, it is

14  reasonable and appropriate to administratively close this docket.

15   IT IS THEREFORE ORDERED that **Docket No. T-20786A-11-0088 is hereby closed.**

16   DATED this *19th* day of December, 2011.

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19                                    SARAH N. HARPRING
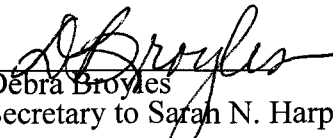                                      ADMINISTRATIVE LAW JUDGE
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Copies of the foregoing mailed/delivered
21  this *19th* day of December, 2011, to:

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7      Debra Broyles
       Secretary to Sarah N. Harpring
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